

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CARLENE L. MATTHEIS,)
Plaintiff,)
v.)
JOHN E. POTTER, Postmaster) Civil Action No. 04-805
General, UNITED STATES POSTAL) Judge McVerry
SERVICE, et al.,) Magistrate Judge Caiazza
Defendants.) In Re: Doc. 31

ORDER

Before the court for resolution is the Defendant's Motion to Strike Improper Defendant. In essence, this is a Motion filed by the Defendant Robert Mullin ("Mullin") in his official capacity and he asks that he be dismissed as a Defendant. In his Motion Mullin claims that "John E. Potter, the Postmaster General and head of the Postal Service, is the only appropriate Defendant with respect to the Plaintiff's discrimination claims." See Mot. To Strike Improper Def. at ¶ 4.

The Defendant's reading of the statute is too narrow. The relevant part of Title VII of the Civil Rights Act of 1964 provides that the "head of the department, agency or unit , as appropriate, shall be the defendant." See 42 U.S.C. § 2000e-16(c) (emphasis added). Mullin is the branch manner of the Allison Park Office of the United States Postal Service.

The Motion is DENIED.

August 31, 2005

s/Francis X. Caiazza

Francis X. Caiazza
U.S. Magistrate Judge

CC:

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